

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JUL 21 2010

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

SCHWARZ & SCHWARZ OF VIRGINIA,
LLC, AND
SCHWARZ & SCHWARZ, LLC,

Plaintiffs,

v.

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
WHO SUBSCRIBED TO POLICY NUMBER NC959,

Defendant.

CASE NO. 6:07-cv-00042

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court upon Defendant's Motion to Enforce and Convert to Judgment the Court's February 8, 2010, Order and for Sanctions, filed May 25, 2010 (docket no. 128), Plaintiffs' opposition thereto, filed May 26, 2010 (docket no. 129), and the Report & Recommendation of United States Magistrate Judge Michael F. Urbanski, filed June 25, 2010 (docket no. 131).

In the Report & Recommendation, the Magistrate Judge recommends that the Court deny Defendant's Motion to Enforce and Convert to Judgment, on the grounds that the Court's Order on costs, dated February 8, 2010 (docket no. 127) was itself a judgment, which must be enforced by writ of execution under proper Virginia collection procedures and done pursuant to Rule 69(a)(1) of the Federal Rules of Civil Procedure.


Upon my review of the issues presented therein, and no objection to the Report & Recommendation having been made within fourteen (14) days thereof, the Report &

Recommendation (docket no. 131) is hereby ADOPTED in its entirety, and Defendant's Motion to Enforce and Convert to Judgment (docket no. 128) is hereby DENIED.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

Entered this 21st day of July, 2010.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE